

## **Exhibit “E”**



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October 18, 2023

**FOR SETTLEMENT PURPOSES ONLY**  
**SUBJECT TO FRE 408**  
**VIA E-MAIL AND U.S. MAIL**

Mr. Neal Hubman  
President, LA Golf Club, Inc.  
667 W. Indiantown Road, Suite 50-420  
Jupiter, FL 33458  
Neal@lagc.com

Mr. Mike McCarley  
CEO, TGL Golf Holdings, LLC and TMRW Sports  
807 South Orlando Avenue, Suite J  
Winter Park, FL 32789  
info@tmrwsportsgroup.com

Re: Infringement of LA GOLF and LA GOLF CLUB Trademarks

Dear Mr. Hubman and Mr. McCarley:

This matter requires your immediate attention.

We represent LA Golf Partners, LLC and LA Golf Club, LLC (collectively "LA Golf"). To that end, please direct all future correspondence regarding this matter to the undersigned.

It has come to our client's attention that LA Golf Club, Inc., which refers to itself as "Los Angeles Golf Club," "LA Golf Club," and "LAGC" ("Golf Club") currently uses and intends to expand the use of trademarks that infringe LA Golf's name and marks. This infringing use is already causing confusion and damage to a brand LA Golf has spent over \$50 million building over the last five years. Further, with LA Golf in the process of a major capital raise, potential institutional investors have expressed serious concern over the confusion created by Golf Club's infringing activities.

It is our understanding that LA Golf's CEO has attempted to amicably resolve this matter on several occasions with Mr. Hubman, but to date neither Golf Club nor TGL Golf Holdings, LLC ("TGL") have been responsive or cooperative. With the imminent launch of the TGL golf league, and expanded advertising by Golf Club, this matter must be addressed as soon as possible. Therefore, on behalf of LA Golf, we are reaching out to both you in the attempt to open a dialogue that would allow the parties to reach a resolution and partnership, and avoid legal action that may severely inhibit Golf Club's use of its current name and marks.




By way of background, LA Golf was founded in 2018 and quickly became and continues to be one of the golf market's hottest brands and leading providers of golf shafts, expanding its product line to include some of the best putters and golf balls in the industry together with LA Golf-branded clothing. LA Golf has partnered with prominent golfers including Bryson DeChambeau, Dustin Johnson, and Paige Spiranac to create its golf equipment and raise awareness of its brand in the golf industry. Unlike most golf shaft companies, which use off-the-shelf designs, LA Golf takes feedback from its player-partners to create unique and high-quality products. LA Golf has also partnered with popular content creators including Paris Hilinski to design its branded clothing and promote the company.

LA Golf is currently the official golf shaft partner of the LIV Golf Tour. LA Golf has also operated a club where it hosts golf industry and other social events in Beverly Hills for the past few years under the LA GOLF CLUB trademark. LA Golf is working with licensing partner IMG Worldwide, LLC, copied on this letter, to source international licensing opportunities for its brand.

Add to this the acquisition of SIK Sports in January of 2022, the introduction of multiple technologically-innovative putters into the market, and the introduction of a new golf ball into the market, LA Golf has become a well-known player in the industry. It therefore is not surprising that LA Golf has a significant social media presence, with nearly 44,000 Instagram followers.



LA Golf has used its LA GOLF and  trademarks in connection with golf clubs and shafts since as early as May 2018, and its LA GOLF CLUB trademark in connection with club, lounge, and social event services since as early as May 2022. LA Golf owns applications and registrations for these marks (the "LA Golf Marks") in the United States, the European Union, and several other countries.

In 2022, TGL announced that it, in partnership with the PGA Tour, would create a new golf league. It is our understanding the league will feature six teams, each consisting of three PGA Tour players, who will compete on a virtual course during televised matches. According to TGL, the inaugural season will include 15 regular season matches followed by semifinals and finals matches, all scheduled to begin in January 2024. On June 8, 2023, TGL announced that "Los Angeles Golf Club" was the first of the six founding teams to compete in the TGL golf league.

It is clear that TGL's new league is going to be marketed to a wide variety of golf fans. Rory McIlroy, one of the co-founders of TGL, stated that TGL will "tap into the appeal of team golf within an exciting, fan-friendly environment ... and will widen the appeal of golf to younger and more diverse fans." Mr. McCarley stated that TGL will provide "fans a fresh short-form version of golf in an unmatched coliseum environment designed for a modern audience."<sup>1</sup>

Because golf fans are likely to purchase golf equipment and related goods, it is clear that LA Golf's consumers will overlap with those of TGL and Golf Club. Moreover, because LA Golf's shafts, putters, and balls are used by a number of PGA Tour players, it is foreseeable and likely that LA Golf's products will also be used by TGL team members including those of Golf Club.

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<sup>1</sup> See <https://www.pgatour.com/article/news/latest/2022/08/24/tiger-woods-rory-mcilroy-tmrw-sports-announces-tgl-new-tech-infused-golf-league-in-partnership-with-the-pga-tour>.



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Golf Club has used and has signaled its intent to use marks that are confusingly similar to the LA Golf Marks, as shown by its June 7, 2023 filing of four applications for LAGC for golf clothing and entertainment services, and its sale of clothing under the LAGC, LA GOLF CLUB and LOS ANGELES GOLF CLUB marks (the “Golf Club Marks”) through its website at [www.lagc.com](http://www.lagc.com).

Given the fact that the LA Golf Marks and Golf Club Marks are virtually identical, and the goods and services offered under the marks are directly related to each other, it is not surprising that after Golf Club announced its formation and its plans to partner with TGL, LA Golf began receiving questions and messages from customers, investors, celebrity endorsers, clients, and industry insiders expressing confusion about LA Golf’s apparent relationship with TGL as a new golf team or with Golf Club itself. This confusion is already harming LA Golf and its valuable marks, harm that will only increase substantially when Golf Club and TGL start actively promoting events, and the competitions begin on national television in January. Consumers of LA Golf products are likely to believe that the company is now involved with Golf Club, and could lead to the mistaken belief that the quality of LA Golf products affects the performance of the Golf Club team – or that the LA Golf Marks are diminished by Golf Club or TGL products that are not actually associated with LA Golf. Conversely, it is also easy to imagine the existing and potential harm to Golf Club, as consumers who are potentially dissatisfied with LA Golf’s golf equipment, or its partner-athletes, may lodge complaints against Golf Club. And online criticism of the Golf Club and TGL’s products and offerings may be directed at LA Golf.

And of specific concern, LA Golf is being harmed in its ability to engage in business with potential institutional investors, who have expressed confusion and concern over Golf Club’s use of confusingly similar marks.

LA Golf remains open to potential royalty and partnership opportunities between the various entities involved, which could put in place concrete steps to avoid the confusion that is detrimental to LA Golf, create some mutual value-adds, and potentially allow Golf Club to use its current name and marks without confusion and legal issues. But without cooperation between the parties, the harm to LA Golf and its brands in allowing this unfettered infringement and confusion in the marketplace is significant and not tolerable. Accordingly, our client remains hopeful that the parties can find a mutually acceptable resolution of this matter, but has made it clear that it intends to diligently and vigorously protect its name and its brands from the damage being done. LA Golf therefore requests that Golf Club and/or TGL respond to this letter in writing by October 30, 2023, and engage in good faith negotiations to end the confusion and resolve this matter.

This letter is without prejudice to LA Golf’s rights, all of which are expressly reserved.

Very truly yours,

SEYFARTH SHAW LLP

A handwritten signature in cursive script, appearing to read 'Ken. Wilton'.

Kenneth L. Wilton

cc: IMG Worldwide, LLC  
LA Golf Partners, LLC